

SECOND REGULAR SESSION

SENATE BILL NO. 624

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3469S.011

AN ACT

To repeal sections 660.600 and 660.603, RSMo, and to enact in lieu thereof two new sections relating to the long-term care ombudsman program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 660.600 and 660.603, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 660.600 and 660.603, to read as follows:

660.600. As used in sections 660.600 to 660.608, the following terms mean:

(1) "Division", the division of [aging] **regulation and licensure** of the department of [social] **health and senior** services;

(2) "Long-term care facility", any facility licensed pursuant to chapter 198, RSMo, and long-term care facilities connected with hospitals licensed pursuant to chapter 197, RSMo;

(3) "Office", the office of the state ombudsman for long-term care facility residents;

(4) "Ombudsman", the state ombudsman for long-term care facility residents;

(5) "Regional ombudsman coordinators", designated individuals working for, or under contract with, the area agencies on aging, and who are so designated by the area agency on aging and certified by the ombudsman as meeting the qualifications established by the division;

(6) "Resident", any person who is receiving care or treatment in a long-term care facility.

660.603. 1. There is hereby established within the department of health

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 and senior services the "Office of State Ombudsman for Long-Term Care Facility
3 Residents", for the purpose of helping to assure the adequacy of care received by
4 residents of long-term care facilities and to improve the quality of life experienced
5 by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et
6 seq.

7 2. The office shall be administered by the state ombudsman, who shall
8 devote his or her entire time to the duties of his or her position.

9 3. The office shall establish and implement procedures for receiving,
10 processing, responding to, and resolving complaints made by or on behalf of
11 residents of long-term care facilities relating to action, inaction, or decisions of
12 providers, or their representatives, of long-term care services, of public agencies
13 or of social service agencies, which may adversely affect the health, safety,
14 welfare or rights of such residents.

15 4. The department shall establish and implement procedures for
16 resolution of complaints. The ombudsman or representatives of the office shall
17 have the authority to:

18 (1) Enter any long-term care facility and have access to residents of the
19 facility at a reasonable time and in a reasonable manner. The ombudsman shall
20 have access to review resident records, if given permission by the resident or the
21 resident's legal guardian. Residents of the facility shall have the right to request,
22 deny, or terminate visits with an ombudsman;

23 (2) Make the necessary inquiries and review such information and records
24 as the ombudsman or representative of the office deems necessary to accomplish
25 the objective of verifying these complaints.

26 5. The office shall acknowledge complaints, report its findings, make
27 recommendations, gather and disseminate information and other material, and
28 publicize its existence.

29 6. The ombudsman may recommend to the relevant governmental agency
30 changes in the rules and regulations adopted or proposed by such governmental
31 agency which do or may adversely affect the health, safety, welfare, or civil or
32 human rights of any resident in a facility. The office shall analyze and monitor
33 the development and implementation of federal, state and local laws, regulations
34 and policies with respect to long-term care facilities and services in the state and
35 shall recommend to the department changes in such laws, regulations and
36 policies deemed by the office to be appropriate.

37 7. The office shall promote community contact and involvement with

38 residents of facilities through the use of volunteers and volunteer programs
39 directed by the regional ombudsman coordinators.

40 8. The office shall develop and establish by regulation of the department
41 statewide policies and standards for implementing the activities of the
42 ombudsman program, including the qualifications and the training of regional
43 ombudsman coordinators and ombudsman volunteers.

44 9. The office shall develop and propose programs for use, training and
45 coordination of volunteers in conjunction with the regional ombudsman
46 coordinators and may:

47 (1) Establish and conduct recruitment programs for volunteers;

48 (2) Establish and conduct training seminars, meetings and other programs
49 for volunteers; and

50 (3) Supply personnel, written materials and such other reasonable
51 assistance, including publicizing their activities, as may be deemed necessary.

52 10. The regional ombudsman coordinators and ombudsman volunteers
53 shall have the authority to report instances of abuse and neglect to the
54 ombudsman hotline operated by the department. **Ombudsman volunteers may
55 be relieved of their duties only by the regional ombudsman, in
56 consultation with the state ombudsman, for just cause and after such
57 decision to relieve the ombudsman volunteer has been received by the
58 division. No long-term care facility shall have the authority to relieve
59 an ombudsman volunteer from his or her duties.**

60 11. **Every long-term care facility licensed in this state shall be
61 required to accept an ombudsman volunteer if an ombudsman
62 volunteer is available.** If the regional ombudsman coordinator or volunteer
63 finds that a nursing home administrator is not willing to work with the
64 ombudsman program to resolve complaints, the state ombudsman **and the
65 division of regulation and licensure** shall be notified. The department shall
66 establish procedures by rule in accordance with chapter 536, RSMo, for
67 implementation of this subsection. **Any long-term care facility that is not
68 willing to work with the ombudsman program to resolve complaints
69 shall be subject to licensure sanction for failure to participate in the
70 ombudsman program.**

71 12. The office shall prepare and distribute to each facility written notices
72 which set forth the address and telephone number of the office, a brief
73 explanation of the function of the office, the procedure to follow in filing a

74 complaint and other pertinent information.

75 13. The administrator of each facility shall ensure that such written
76 notice is given to every resident or the resident's guardian upon admission to the
77 facility and to every person already in residence, or to his **or her** guardian. The
78 administrator shall also post such written notice in a conspicuous, public place
79 in the facility in the number and manner set forth in the regulations adopted by
80 the department.

81 14. The office shall inform residents, their guardians or their families of
82 their rights and entitlements under state and federal laws and rules and
83 regulations by means of the distribution of educational materials and group
84 meetings.

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Bill

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